

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ANDREW LYLES,

Plaintiff,

Case No. 24-cv-12436
Hon. Matthew F. Leitman

v.

KEITH PAPENDICK, *et al.*,

Defendants.

/

ORDER OF SUMMARY DISMISSAL

Plaintiff Andrew Lyles is a state inmate in the custody of the Michigan Department of Corrections (the “MDOC”). On September 17, 2024, Lyles filed this civil-rights action under 42 U.S.C. § 1983. (*See* Compl., ECF No. 1.) Because Lyles’ Complaint is identical to, and duplicative of, an action that Lyles filed in 2019 and that is currently pending before another Judge on this Court, the Court will dismiss this case.

In his current Complaint, Lyles alleges that nine employees of the MODC, MDOC director Heidi Washington, and Corizon Medical Services violated his Eighth Amendment right to be free from cruel and unusual punishment. (*See id.*) In 2019, Lyles filed an identical lawsuit against the same Defendants, raising the same claims, and that case remains pending in this Court before the Honorable Laurie J.

Michelson. *See Lyles v. Papendick, et al.*, Case No. 2:19-cv-10673 (E.D. Mich.) (Michelson, J.) Judge Michelson stayed that case on March 14, 2024. *See id.*, Dkt. No. 97.

As a general rule, when duplicative lawsuits are pending in separate federal courts, “the entire action should be decided by the court in which an action was first filed.” *Smith v. S.E.C.*, 129 F.3d 356, 361 (6th Cir. 1997). “[A] suit is duplicative if the claims, parties, and available relief do not significantly differ between the two actions.” *Serlin v. Arthur Andersen & Co.*, 3 F.3d 221, 223 (7th Cir. 1993) (internal quotation marks and citations omitted). District courts have “broad discretion in determining whether to dismiss litigation or abstain in order to avoid duplicative proceedings.” *In re Camall Co.*, 16 F. App’x 403, 408 (6th Cir. 2001) (citing *In Re White Motor Credit*, 761 F.2d 270, 274–75 (6th Cir. 1985)). Considering the identical nature of the parties, legal claims, factual allegations, and relief sought in the present Complaint and Lyles’ previously filed action, the Court concludes that the present Complaint should be dismissed as duplicative of the complaint Lyles filed in Case No. 2:19-cv-10673. This case is therefore **DISMISSED**.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: October 1, 2024

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on October 1, 2024, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

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